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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,597	08/04/2000	Lawrence W. Yonge III	04838-064001	2153

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EXAMINER

KWOH, JASPER C

ART UNIT PAPER NUMBER

2663

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/632,597

Applicant(s)

YONGE III ET AL.

Examiner

Jasper Kwoh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 and 13-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 5-8 and 13-15 is withdrawn in view of the newly discovered reference(s) to Ruszczyk et al. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21-25 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

It is unclear whether the applicant is trying to claim an apparatus or a method.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruszczyk et al (US005615212A).

Regarding claims 16 and 21, Ruszczyk et al. discloses a method and apparatus comprising having a burst of frames (i.e. fig. 5, 506, burst of information to transmit);

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associating one of multiple priority levels with the burst (i.e. fig. 9, each transmission has a service class with multi-class users); providing contention phase between frames (i.e. fig. 9, col. 4, ll. 38-39, contention to determine who has access to medium); during contention phase, a first station signals priority level of burst and desires to have contention free access to complete burst (i.e. fig. 9, col. 4, ll. 42-46, user contend with it's service class for access and winner gets reserved access, it is inherent that the same user could have use the previous minislots for access); during the contention phase, having a second station contend with a second transmission with second priority level (inherent that more than one user will be contending for the minislots during the contention phase); and have the first station interrupted in the event that second priority level is higher (i.e. col. 4, 46-49, the higher service class will win the contention and gain access to the minislots).

Regarding claims 17-20 and 22-25, Ruszczyk et al. discloses setting a control indicator for desiring contention free access (i.e. fig. 8, col. 3, ll. 47-48, contention slots are used including indicators so the central controller can know which users desire access); resume burst if no station with higher priority contends (inherent that the user with the highest priority at that time will gain access); burst comprises segmented MAC service data unit (it is inherent that MAC units will be required in this MAC network) and signal the priority level during predetermined priority slots (i.e. col. 3, ll. 52-54, predetermined priority slots are set by the controller and the uses signals their level using those minislots).

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 5-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszczyk et al.

Regarding claims 5 and 13, Ruszczyk et al. discloses a method and apparatus comprising associating one of multiple priority levels with a transmission (i.e. fig. 9, each transmission has a service class with multi-class users); and controlling the amount of time the transmission occupies the medium (i.e. fig. 8, winner gets access time to dedicated bandwidth 804 determined by the central controller), wherein the transmission is a burst (i.e. fig. 5, 506, burst of information to transmit) and controlling comprises control of medium at associated priority level (i.e. fig. 9, col. 4, ll. 38-39, contention by service class to determine who has access to medium), and providing comprises a contention control indicator for contention free access (i.e. fig. 8, col. 3, ll. 47-48, contention slots are used including indicators so the central controller can know which users desire access) and the associated priority level so that the transmission maybe interrupted by another station having a frame with a higher priority level (i.e. col. 4, 46-49, inherent that the higher service class will win the contention and gain access to the minislots). Ruszczyk et al. does not specifically disclose all but the last frame has contention indicator. However, it would have been obvious for an ordinary person skilled in the art at the time of the invention to include leaving that information out with the method and apparatus of Ruszczyk et al. because user is finished transmission and

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no longer is contending for the medium. The motivation is to conserve bandwidth by only transmitting useful information.

Regarding claims 6-8, 14-15, Ruszczyk et al. discloses a method and apparatus including relinquishing control of medium is higher level is pending (i.e. col. 4, 46-49, the higher service class will win the contention and gain access to the minislots); resume burst if no station with higher priority contends (inherent that the user with the highest priority at that time will gain access); burst comprises segmented MAC service data unit (it is inherent that MAC units will be required in this MAC network).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 5-8 and 13-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK

February 24, 2003

Jasper Kwoh  
Examiner  
Art Unit 2663



MELVIN MARCELO  
PRIMARY EXAMINER